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SERIES I No. 21

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Notification

1/227/75-LAB/984

The following draft Notification which is proposed to be issued under sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), fixing the Minimum rates of wages payable to the employees employed in various classes of work in agricultural employment specified in Part II to the Schedule of the Minimum Wages Act, 1948, is hereby pre-published as required by clause (b) of sub-section (1) of section 5 of the said Act.

Notice is hereby given that the said draft would be taken into consideration by the Government after 60 days from the date of publication of this Notification in the Official Gazette. Persons likely to be affected by the said draft may forward their suggestions or objections, if any, to the Secretary, Industries and Labour, Government of Goa, Daman and Diu, before the expiry of the said 60 days, so that such suggestions and objections could be taken into account at the time of finalization of the draft.

DRAFT NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Government of Goa, Daman and Diu, hereby, after complying with the requirements of pre-publication, fixes for the first time the minimum rates of wages payable to the various categories of employees and classes of work in agricultural employment as detailed in Part II of the Schedule of the Minimum Wages Act, 1948, as shown in the Schedule below:

SCHEDULE

Sr. No.	Class of work/category of employment	All inclusive minimum rates of wages
I. Farm servants or attached workers		
1.	Adult farm servant	Rs. 200/- p. m. or Rs. 2,400/- per annum.
2.	Adult Cleaner/Sweeper	Rs. 150/- p. m. or Rs. 1,800/- per annum.

Sr. No.	Class of work/category of employment	All inclusive minimum rates of wages
II. Agricultural Operations		
3.	Ploughing	Rs. 5/- per day or Rs. 30/- per week or Rs. 12/- per day with bullocks and Rs. 72/- per week.
4.	Threshing	Rs. 5/- per day or Rs. 30/- per week.
5.	Winnowing	Rs. 5/- per day or Rs. 30/- per week.
6.	Sowing	Rs. 4/- per day or Rs. 24/- per week.
7.	Transplanting	
8.	Harvesting	
9.	Uprooting	
10.	Manuring	
11.	Irrigating	
12.	Weeding	
III. Allied Operations Skilled Labour		
13.	Carpenter	Rs. 10/- per day or Rs. 60/- per week.
14.	Blacksmith	Rs. 11/- per day or Rs. 66/- per week.
15.	Cobbler	Rs. 9/- per day or Rs. 54/- per week.
Unskilled Operations		
16.	Mazdoor/Manai	Rs. 4/- per day or Rs. 24/- per week.
IV. Dairy Farming and raising of livestock		
17.	Shed Attendant	Rs. 4/- per day or Rs. 24/- per week.
18.	Milkman	Rs. 5/- per day or Rs. 30/- per week.
19.	Cleaner/Sweeper/Mazdoor	Rs. 4/- per day or Rs. 24/- per week.
20.	Grazier/Livestock Attendant	Rs. 4/- per day or Rs. 24/- per week.
V. Poultry and Bee Farming		
21.	Attendant	Rs. 4/- per day or Rs. 24/- per week.
VI. Horticulture		
22.	Gardener	Rs. 5/- per day or Rs. 30/- per week.
23.	Horticultural Assistant	Rs. 6/- per day or Rs. 36/- per week.
VII. Forestry and Timbering Operations		
24.	Tree feller	Rs. 6/- per day or Rs. 36/- per week.
25.	Mazdoor	Rs. 4/- per day or Rs. 24/- per week.

Sr. No.	Class of work/category of employment	All inclusive minimum rates of wages
VII. General		
26.	Digging	Rs. 4/- per day or Rs. 24/- per week.
27.	Stacking	Rs. 4/- per day or Rs. 24/- per week.
28.	Pump Operator	Rs. 5/- per day or Rs. 30/- per week.
29.	Coconut/arecanut plucker	Rs. 10/- per day or Rs. 60/- per week.

Explanation: —

1) Where in any area/scheduled employment wages fixed under this Notification are lower than the wages already prevailing or the employee; employees are actually in receipt of higher rates of wages than those specified above, they shall continue to get the benefit of such higher rates of wages.

2) The minimum rates of wages are applicable to the employees engaged by the Principal Employers or Contractors or Sub-Contractors.

3) Both men and women workers have to be paid the same rates of wages fixed for the category and for equal work.

4) In case of employees employed on piece-rate basis, the Minimum rates of wages payable shall be at the rate not less than the minimum rates fixed under this Notification.

5) The rate for Children and adolescents, who are not certified to work as adults, shall be 75 per cent of the rates of wages for adults. Where adolescents are certified to work as adults, they shall be paid the same rates of wages as adults.

6) Minimum rates of wages fixed is all inclusive including for weekly day of rest.

7) The existing practice of giving meals, food grains, shall continue in addition to the payment of cash wages as specified in the Notification.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary, (Industries and Labour).

Panaji, 14th August, 1975.

Urban Development Department

Notification

3-5-75-UDD(GEN)

In exercise of the powers conferred by sub-section (1) of section 307 read with sections 104 and 105 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969), and all other powers enabling it in this behalf, the Daman Municipal Council after previous sanction of the Government, hereby make the following Bye-laws and publish the same for information of the public:

1. **Short title.** — (1) These Bye-laws may be called the Daman Municipal Council Octroi Bye-laws, 1975.

(2) **Application.** — The provisions of these Bye-laws shall apply to Municipal areas in Daman, and shall take effect from the date of their publication in the Official Gazette.

2. **Definitions.** — In these Bye-laws, unless the context otherwise requires, —

(i) "Act" means the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969);

(ii) "Section" means a section of the Act;

(iii) "Standing Committee" means a Committee constituted under section 64 of the Act;

(iv) "Municipal Accounts Code" means the Goa, Daman and Diu Municipal Accounts Code, 1972;

(v) "Schedule" means Schedule appended to these Bye-laws;

(vi) "Octroi" means a tax on the entry of goods into a Municipal area for consumption, use or sale therein;

(vii) "Local Authority" means a Village Panchayat constituted under any law for the time being in force in the Union territory of Goa, Daman and Diu;

(viii) "Import" means the conveying or receipt of anything into the Octroi limits of the Municipal area from any other local area;

(ix) "Export" means the conveying or discharge of anything out of the Octroi limits of the Municipal area to any other local area;

(x) "Importer" means the person who imports the articles into Municipal limit, and shall also include the person who owns the articles at the time of the import or whose name is shown in the import register as importer;

(xi) "Exporter" means the person who exports the articles within 7 days next after their import into the Municipal limit, and shall also include the person who owns the articles at the time of the export or whose name is shown in the export register as exporter;

(xii) "Octroi Naka" Means an Octroi Station fixed by the Municipality as such and specified in Schedule II appended hereto, at which the goods are imported or exported, as the case may be.

3. **Bye-law.** — Subject to the exemptions as specified under these Bye-laws, Octroi shall be levied on goods of all description and at the rates as specified in Schedule I appended hereto, at the principal Octroi Nakas specified in Schedule II, located at the Municipal boundaries or with the concurrence of local authorities as provided under section 82(2) of the Act.

4. **Bye-law.** — The following entities shall be exempted from the levy of Octroi;

(a) the articles as specified against Serial Nos. 8 to 17 of the Schedule I, when the goods imported are to be used for public works only;

(b) the Government of Goa, Daman and Diu and/or Central/State Government;

(c) the Daman Municipal Council;

(d) the Goa, Daman and Diu Industrial Development Corporation.

5. *Bye-law*. — Goods in transit cannot be kept in the Municipal area longer than 7 days next after their import, failing which they shall be subject to the payment of Octroi, as if, the goods are brought for consumption, use or sale within the Municipal area.

6. *Bye-law*. — (i) The amount of tax shall be recovered as deposit in lieu of Octroi, in the following cases: —

(a) when the goods are in transit;

(b) when the goods are imported in closed parcels or boxes which cannot be opened without difficulties, damage or inconvenience to the importer as for example "Liquor";

(c) when the goods are imported in a huge quantity;

(d) when an importer receives the goods through Railway, Road Transport, Customs or Excise, covered by legal documents.

(ii) The assessment of tax shall be made by the Chief Officer or any other official authorised by him in this behalf, at the Municipal Office at Moti Daman, on production of invoices and receipts/permits or in the absence of the invoice, with written declaration of the details of the consignment issued by the competent authorities viz. Excise Station, Customs Office, Railway and Road Transport, etc. and after examination of the contents of the consignment.

(iii) The adjustment and refund, if any, of deposit shall be made according to the provisions of the Municipal Accounts Code.

7. *Bye-law*. — Any importer whose name is entered in the assessment register as the person liable for the payment of Octroi or any agent of such importer, may be permitted to inspect the register and take extracts therefrom free of charge.

8. *Bye-law*. — (i) Any importer who has been shown in the assessment register as liable to pay Octroi in respect of goods referred to in Bye-law No. 5, may at any time object to the assessment if he has reasonable grounds to do so, and such objections shall be lodged in writing and addressed to the Chief Officer at the Municipal Office at Moti Daman.

(ii) The Chief Officer after considering all such objections, may cause any amendment to be made in the assessment register if the objections are found to be justified, if not, he shall forward to the Standing Committee the assessment register alongwith the objections received for consideration.

(iii) The Standing Committee after considering the report submitted by the Chief Officer and after allowing the objector an opportunity of being heard in person or through an authorised agent, shall dispose off the objections, and in the event of the objections being found valid, direct the Chief Officer to make the necessary amendments in the assessment register.

9. *Bye-law*. — The assessment demand and collection receipts and registers in respect of Octroi shall be maintained in the Forms prescribed in the Municipal Accounts Code.

SCHEDULE — I

(See Bye-law No. 1)

Articles liable to Octroi

Sr. No.	Article	Description	
1	2	3	
1.	I. M. F. L. and Foreign Liquor (Whisky, Brandy, Rum, Gin and all other Brands)	Per sealed bottle of 750 ml. (Qts.)/1 Lt. P. S. B. 375 ml. (Pts.)/500 ml. P. S. B. 180 ml. (Nips)/250 ml.	1-00 0-50 0-25
2.	Grapes Wine	P. S. B. 750 ml. (Qts.) P. S. B. 375 ml. (pts.) P. S. B. 180 ml. (Nips)	0-50 0-25 0-15
3.	Beer	P. S. B. 650 ml. (Qts.) P. S. B. 325 ml. (Pts.)	0-25 0-15
4.	Country Liquor (Cashew, Coconut, sugar cane and all other brands of the same liquor)	P. S. B. 750 ml. (Qts.) P. S. B. 375 ml. (Pts.) P. S. B. 180 ml. (Nips)	0-25 0-15 0-10
5.	Country Liquor (Bevda or Rashi made of gur, dates, mavra or other substance)	Per litre in loose containers	0-05
6.	Acetylene gas	Per cylinder	0-15
7.	Raw materials utilised for distillation of liquor (gur, dates, mavra etc.)	Per 10 kgs. or fraction thereof	0-01
8.	(a) Mangalore tiles	Per 100 or fraction thereof	0-10
	(b) Mangalore tiles (ridge)	— do —	0-20
9.	Bricks	— do —	0-10
10.	Stones (rough) utilised for roads, buildings and constructions	Per cu. mt. or fraction thereof	0-25
11.	Metal (bricks, stones for roads and constructions)	— do —	0-50
12.	Steel (M. S. Rounds, bars, angles etc.)	Per 100 kgs. or fraction thereof	0-10
13.	Asphalt	Per M. T. or fraction thereof	1-00
14.	Flooring tiles	Per 100 or fraction thereof	0-10
15.	Slab, ladi and country stones used for flooring	— do —	0-50
16.	Cement	Per bag or 1 CWT ...	0-05
17.	Timber	Per ton or fraction thereof	1-00

* P. S. B. means Per Sealed Bottle.

SCHEDULE — II

(See Bye-law No. 1)

Octroi Nakas at Municipal boundaries

1. Khariwadi on Daman — Vapi Road, Nani Daman.
2. Near junction of Airport Daman — Benslor Road, Nani Daman.
3. Near Government Cottage Hospital Marwad on Daman — Devka Road, Nani Daman.
4. Bhitwadi (Jumprim) Daman — Dholer Road, Moti Daman.
5. Catholic Cemetery, Daman — Ambawadi Road, Moti Daman.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. R. Arya, Secretary (Urban Development Department).

Panaji, 18th August, 1975.

Law and Judiciary Department

Notification

LD/2410/75

The following Central Bill which was recently passed by the Parliament and assented to on 22nd May 1975 by the President of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 11th July, 1975.

The Government of Union Territories (Amendment) Act, 1975

AN

ACT

further to amend the Government of Union Territories Act 1963, the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and also to amend the North-Eastern Council Act, 1971.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Government of Union Territories (Amendment) Act, 1975.

(2) It shall come into force on such date, being a date not earlier than the date of commencement of the Constitution (Thirty-Seventh Amendment) Act, 1975, as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1.—In section 1 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (2),—

(i) before the second proviso, the following proviso shall be inserted, namely:—

“Provided further that it shall come into force in the Union territory of Arunachal Pradesh on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1975, as the Central Government may, by notification in the Official Gazette, appoint.”;

(ii) in the second proviso, for the words “Provided further that”, the words “Provided also that, subject to the preceding provisos,” shall be substituted.

3. Amendment of section 2.—In section 2 of the principal Act, in sub-section (1), in clause (h), for the words “Pondicherry and Mizoram”, the words “Pondicherry, Mizoram and Arunachal Pradesh” shall be substituted.

4. Substitution of new section for section 21.—For section 21 of the principal Act, the following section shall be substituted, namely:—

“21. Inconsistency between laws made by Parliament and laws made by Legislative Assembly.—If any provision of a law made by the Legislative

Assembly of a Union territory with respect to any matter enumerated in the State List in the Seventh Schedule to the Constitution is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly of the Union territory, or, if any provision of a law made by the Legislative Assembly of a Union territory with respect to any matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution is repugnant to any provision of any earlier law, other than a law made by the Legislative Assembly of the Union territory, with respect to that matter, then, in either case, the law made by Parliament, or, as the case may be, such earlier law shall prevail and the law made by the Legislative Assembly of the Union territory shall, to the extent of the repugnancy, be void:

Provided that if such law made by the Legislative Assembly of the Union territory has been reserved for the consideration of the President and has received his assent, such law shall prevail in that Union territory:

Provided further that nothing in this section shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly of the Union territory.”

5. Amendment of section 26.—In section 26 of the principal Act, for the words “by the President”, the words “by the Administrator, or, on being reserved by the Administrator for the consideration of the President, by the President” shall be substituted.

6. Amendment of section 33.—In section 33 of the principal Act, in the proviso to sub-section (2), for the words “the Legislative Assembly of the Union territory of Mizoram”, the words “the Legislative Assemblies of the Union territories of Arunachal Pradesh and Mizoram” shall be substituted.

7. Amendment of section 38.—In section 38 of the principal Act, in clause (a), for the words, figures and letter “under section 43A”, the words, figures and letters “under section 43A or section 43C” shall be substituted.

8. Insertion of new sections 43B and 43C.—After section 43A of the principal Act, the following sections shall be inserted, namely:—

“43B. Representation of Arunachal Pradesh in the House of the People.—

In the House of the People to be constituted after the general election to that House to be held after the commencement of the Government of Union Territories (Amendment) Act, 1975 and thereafter, there shall be allotted two seats to the Union territory of Arunachal Pradesh and the First Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly.

43C. Special provisions for delimitation of parliamentary constituencies in Arunachal Pradesh and constituencies of Arunachal Pradesh Legisla-

tive Assembly. — (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of parliamentary constituencies in the Union territory of Arunachal Pradesh or to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of that Union territory.

(2) The Election Commission shall divide the Union territory of Arunachal Pradesh into two single-member parliamentary constituencies on the basis of the latest census figures.

(3) The Election Commission shall also, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Arunachal Pradesh under sub-section (2) of section 3 to single-member assembly constituencies and delimit them on the basis of the latest census figures having regard to the following provisions:—

(a) all constituencies shall, as far as practicable, be geographically compact areas;

(b) every assembly constituency shall be so delimited as to fall only within one parliamentary constituency;

(c) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of administrative units, fall only within one parliamentary constituency;

(4) For the purpose of assisting in the performance of its functions under sub-sections (2) and (3), the Election Commission shall associate with itself as associate members —

(a) the member of the House of the People representing the Union territory of Arunachal Pradesh;

(b) such five members of the Legislative Assembly of the Union territory of Arunachal Pradesh as the Speaker of that Assembly shall, having regard to the composition of the Legislative Assembly, nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

(5) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (4).

(6) The Election Commission shall —

(a) publish its proposals for delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies

and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(7) The Election Commission may, from time to time, by notification in the Official Gazette, —

(a) correct any printing mistake in any order made under sub-section (6) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(8) Every order made under sub-section (6) and every notification issued under sub-section (7) shall be laid as soon as may be after it is made or issued before the House of the People and the Legislative Assembly of the Union territory of Arunachal Pradesh.

(9) All things done, and all steps taken, before the commencement of this Act in the Union territory of Arunachal Pradesh with a view to delimiting the territorial constituencies of that Union territory for purposes of election to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if these provisions were in force at the time such things were done or such steps were taken."

9. Amendment of section 44. — In section 44 of the principal Act, in sub-section (2), for the words "the Administrator of the Union territory of Mizoram", the words "the Administrator of each of the Union territories of Arunachal Pradesh and Mizoram" shall be substituted.

10. Insertion of new section 54A. — After section 54 of the principal Act, the following section shall be inserted, namely:—

"54A. Provision as to provisional Legislative Assembly of Arunachal Pradesh. — (1) Notwithstanding anything

contained in this Act (including provisions relating to the strength of the Legislative Assembly of the Union territory of Arunachal Pradesh), until the Legislative Assembly of the Union territory of Arunachal Pradesh has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, there shall be a provisional Legislative Assembly which shall consist of members, being those persons referred to in clauses (b), (c) and (d) of section 3 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 and who are functioning, immediately before the commencement of this Act in the Union territory of Arunachal Pradesh, as members of the Pradesh Council constituted under the said section 3.

(2) The term of office of the members of the provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted after the first general election to that Assembly.

(3) The provisional Legislative Assembly constituted under this section shall, for so long as it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act and accordingly the other provisions of this Act, so far as may be, apply in relation to the provisional Legislative Assembly as they apply in relation to the Legislative Assembly."

11. Amendment of Act 43 of 1950. — In the Representation of the People Act, 1950, —

(i) in section 4, —

(c) sub-section (1) shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted, namely: —

"(2) All the seats in the House of the People allotted to the States under section 3 shall be seats to be filled by persons chosen by direct election from parliamentary constituencies in the States.";

(ii) in section 27A, —

(a) in sub-section (1), for the words, brackets and figure "Subject to the provisions of sub-section (5), for the purpose of filling any seat", the words "For the purpose of filling any seat" shall be substituted;

(b) in sub-section (4), for the words "The electoral college for each of the Union territories of Pondicherry and Mizoram", the words "The electoral college for each of the Union territories of Arunachal Pradesh, Mizoram and Pondicherry" shall be substituted;

(c) sub-section (5) shall be omitted.

12. Amendment of Act 43 of 1951. — In the Representation of the People Act, 1951, in section 4; in the opening portion, the words "other than a seat

allotted to the Union territory of Arunachal Pradesh" shall be omitted.

13. Provision as to sitting members in the House of the People and the Council of States. — Notwithstanding anything contained in sections 11 and 12 —

(a) the member representing, immediately before the commencement of this Act, the Union territory of Arunachal Pradesh in the present House of the People shall continue to represent that Union territory until the dissolution of the present House of the People and so often as before such dissolution the seat allotted to that Union territory in the present House of the People becomes vacant, it shall be filled by a person nominated by the President and that person shall represent that Union territory in the present House of the People until its dissolution;

(b) the member representing, immediately before the commencement of this Act, the Union territory of Arunachal Pradesh in the Council of States shall continue to represent that Union territory until the expiry of his term of office.

14. Amendment of Act 84 of 1971. — In the North-Eastern Council Act, 1971, in section 3, in sub-section (1), —

(a) in clause (b), for the words "and of the Union territory of Mizoram", the words "and of the Union territories of Arunachal Pradesh and Mizoram" shall be substituted;

(b) clause (c) shall be omitted;

(c) in the proviso, for the words, brackets and letter "in any State referred to in clause (b) or in the Union territory referred to in that clause", the words, brackets and letter "in any State or Union territory referred to in clause (b)" shall be substituted.

15. Repeal of Regulation 4 of 1971. — As from the commencement of the principal Act, in the Union territory of Arunachal Pradesh, the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 shall stand repealed.